

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 26, 30-32 and 34-51 are pending in the present application. Claims 34, 42 and 43 are amended; Claims 44-51 are newly added; and Claims 1-25, 27-29 and 33 are canceled without prejudice or disclaimer by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 3-24, 27-38, 42 and 43 are rejected under 35 U.S.C. § 101; and Claims 1-43 are rejected under 35 U.S. C. § 102(e) as anticipated by Birger et al. (U.S. 2009/0006850, herein Birger).

The Office Action rejects pending Claims 30-32, 34-38, 42 and 43 under 35 U.S.C. § 101, as directed to non-statutory subject matter.

Regarding Claims 34, 42 and 43, these claims are amended to recite “A non-transitory computer-readable medium including a computer program, which when executed by a computer ...” Therefore, Claims 34, 42 and 43 are in compliance with 35 U.S.C. § 101.

Regarding Claims 30-32 and 35-38, these claims are directed to one of a “public-key management apparatus” (Claims 30-32) or a “session management apparatus” (Claims 35-38). The Office Action asserts that these claims are directed to non-statutory subject matter because “the examiner has found no support for the first and second apparatus being hardware”. Applicants respectfully traverse this rejection.

As disclosed in an exemplary embodiment at p. 23, l. 16 – p. 24, l. 24, for example,

Each part of the session management apparatus and the terminal of the present invention is realized by a program and hardware. The terminal may be a general computer such as a PC that includes a CPU, a memory, a hard disk

¹ e.g., specification, at least at p. 24, ll. 4-21; p. 30, l. 35 – p. 36, l. 8; Figs. 18-21; and original Claim 6

and the like. The terminal also may be a mobile terminal and the like. By installing a program in the computer, the terminal of the present embodiment can be realized. Also, the terminal may be a digital home electrical product. The session management server is a computer such as a server and the like. By installing a program in the server, the session management server of the present embodiment can be realized. Each of the programs can be stored in a computer readable recording medium such as a CD-ROM, a memory and the like.

Therefore, in contrast to the assertion set forth in the outstanding Office Action, there is clear support for “the first and second apparatus being hardware.”

Accordingly, Applicants respectfully request that the rejection of Claims 30-32, 34-38, 42 and 43 under 35 U.S.C. § 101 be withdrawn.

The Office Action rejects Claims 1-43 under 35 U.S. C. § 102(e) as anticipated by Birger. In response to this rejection, Applicants respectfully submit that independent Claims 26, 30, 34-35, 37, 40-45 and 48-51 recite novel features clearly not disclosed by Birger.

Regarding new Claims 44-51, Birger fails to disclose the claimed feature directed to realizing communication between the third apparatus and the second apparatus utilizing the encrypted communication channel established between the first and second apparatuses.

Regarding Claims 26, 30-32 and 34, paragraphs [0219-0222] of Birger describes a challenge and response protocol for authentication in which a public/private key pair is used. Birger, however, fails to disclose the claimed features for establishing a third encrypted communication channel using the public-key between the first apparatus and the second apparatus, as recited in these claims.

Regarding Claims 35, 36, 40 and 42, paragraphs [0174] and [0250] of Birger describe receiving an authentication response message including a name instead of an identity identifier, and querying an identity service for the identity identifier. Birger, however, fails to disclose the claimed features of “storing a name of the first apparatus and identification information of the first encrypted communication channel in a storage device”, “receiving a

message including a name of the first apparatus via the first encrypted communication channel” and “determining whether the name included in the message is correct by comparing the name included in the message with the name that is stored in the storage device and that is associated with the identification information of the first encrypted communication channel”, as claimed.

Regarding Claims 37-39, 41 and 43, paragraph [0275] of Birger describes that the session policy data may include information about security requirements and the like. Birger, however, fails to disclose the claimed features of “receiving, from the first apparatus via the first encrypted communication channel, a message including a first header indicating reliability of a route between the first apparatus and the session management apparatus” and “adding a second header indicating reliability of a route between the session management apparatus and the second apparatus to the message, and sending the message to the second apparatus”, as claimed.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 26, 30-32 and 34-51 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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